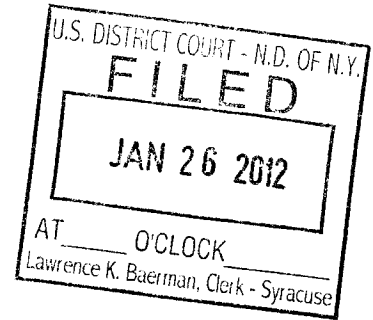


United States District Court
Northern District of New York
Gregory Warren,
Plaintiff

✓
Michael J. Astume,
Commissioner of Social
Security Administration;
Sheryl A. Zeporkin, Associate
Commissioner of Social
Security Administration; and
Social Security Administration
in their individual and official
capacities,
Defendants



6:12-W-187

Civil Complaint

This is a FOIA/Privacy act action filed by Gregory Warren, a State Prisoner, alleging violation of his right to access information, and seeking money damages and injunctive relief.

Jurisdiction

1. This is a civil action under the Freedom of Information Act (FOIA) and Privacy Act (PA), 5 U.S.C. §§ 552, 552a which therefore this court has jurisdiction.

Parties

2. Plaintiff (PX) Gregory Warren is presently

incarcerated at Mohawk Correctional Facility (MCF) 120a 15b, Rome, N.Y. 13442, Oneida County.

3. Defendant (Det) Social Security Administration (SSA), Windsor Park Bldg., 6401 Security Blvd., Baltimore MD. 21235. is a U.S. Government agency responsible for, inter alia, disclosing information under FOIA/PA.

4. Det Michael J. Astone (Astone) is Commissioner of SSA and responsible for the operation and management of SSA.

5. Det Sheryll Ziporkin (Ziporkin) is Associate Commissioner of SSA and responsible for fulfilling FOIA/PA request.

6. At all times relevant Astone and Ziporkin (collectively/respectively referred to as Dets) were acting in their official capacities as employees of SSA and are sued in their individual and official capacities.

Facts

7. on or about June 2003, P's father, Lawrence Richardson was diagnosed with pancreatic cancer and given 6 mos. to live, and thereby - and - after applied for and received Social Security benefits, at age 55.

8. On 9.22.04, Richardson succumbed to said ailment.

9. Richardson named P as a beneficiary of

a \$40,000 life Insurance.

10 Upon filing for said benefit, the insurer denied the benefit, stating: "... PT must prove Richardson was disabled on or before a specified date to obtain benefit.

11. On 4.9.08, PT submitted to Asteue: 1) FOIA request seeking confirmation that Richardson's disease was the basis for his receiving SSI benefits, and 2) PT's proof of lineage (see Exhibit '1')

12. on or about 7.23.08, after not receiving a response to request dated 4.9.08, PT submitted a PA request seeking said information in P 11. (see Exhibit '2').

13. On 8.4.08, PT received an undated, standard letter from Ziporkin, stating: "... Prisoners can not receive SSI benefits. (see Exhibit '3')

14. On 8.27.08, PT sent Asteue an appeal and advised, PT exclusively sought/seeks aforesaid information about Richardson.. On 8.21.08 PT received a copy of the same letter from Ziporkin, she had previously sent PT. Because it is impossible to misconstruct both letters, PT must accept her responses as denials and thereby appeal. (see Exhibit '4').

15. on 1.21.09, Ziporkin sent PT a letter

stating: "PT's father's records are currently in our northeastern program service center (NPSC)... officials there will look into the situation you described and reply directly to you." (see Exhibit '5'); and 16. Therefore, PT has not received a reply from NPSC.

17. on 10.27.09, Ziporkin sent PT another standard letter advising, persons are not entitled to SS1 benefits. (see Exhibit '6').

18. on 10.6.11, PT filed another appeal to Astreue chronicling the aforesaid facts in PP 7, 17, and requested said sought information²; and

19. Therefore, PT has not received a reply from Astreue.

20. Defs' actions in PP 11-19 above is tantamount to denying said sought information.

claims

1st cause of Action

21. The actions of the Defs stated in PP 11-20 violated their duty to disclose and PT's right to access information under F.O.I.A., 5 U.S.C. § 552.

22. The Defs, violated their duty to disclose and PT's right to access information under

² see Exhibit '7'.

F.O.I.A. when:

a). They Failed/Refused to disclose to P.H. The basis for his Father receiving SSI benefits.

2nd Cause of Action

23. The actions of the Defs. stated in BP 11-20 violated their duty to disclose and P.H.'s right to access information under P.A. 5 U.S.C. § 552a.

24. The Defs. violated their duty to disclose and P.H.'s right to access information under P.A. when:

a). They Failed/Refused to disclose to P.H. the basis for his Father receiving SSI benefits.

Relief

Wherefore, P.H. requests this Honorable Court grant the following relief:

A. Issue an injunction ordering the Defs to disclose to P.H. said information verifying was Richardson receiving SSI benefit based on his disease, and the date he was deemed disabled.

B. Grant compensatory damages in the following amount:

1) \$ 15,000 against the Defs. respectively.

2). \$ 40,000 against the Defs. collectively if their actions results in Pt. Forfeiting the insurance benefit.

C. Grant Punitive Damages in the Following amounts:

1). \$ 15,000 against the Defs. respectively.

D. Grant such other and different relief as may be Just & proper.

Sworn to before me this
3 day of July, 2011
Notary Public

JOHN C. BOYEA
Notary Public - State of New York
No. 01B06073073
Qualified in Oneida County
My Commission Expires April 15, 2014

Respectfully Submitted
Warren, G.
Warren, G. (9498617)
Plaintiff Pro Se
Mohawk C.F. / Walsh
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Longer, N.Y. 13442